

1 Adopt 2 Cal. Code Regs. Section 18754 as follows:

2 **§ 18754. Statements of Economic Interests (Members of Boards or Commissions of**  
3 **Newly Created Agencies); When and Where to File.**

4  
5 (a) Applicability:

6 (1) Pursuant to Government Code section 87302.6, a member of a governing  
7 board or commission of a newly created agency shall disclose his or her economic  
8 interests pursuant to Government Code sections 87202 through 87210. This requirement  
9 applies until such time as the member is included in an approved conflict-of-interest code  
10 in effect for the governing board or commission of which he or she is a member.

11 **[Decision 1: (2) For purposes of this regulation, “newly created agency” means**  
12 any state agency or local government agency, as defined in Government Code sections  
13 82003, 82041, and 82049, including, but not limited to, a state office, county, city or  
14 district of any kind including school district, or any other local or regional political  
15 subdivision, or any department, division, bureau, office, board, commission or other  
16 agency of the foregoing [Decision 2: which has come into existence or has been  
17 determined to be an agency on or after January 1, 2003.]

18 ~~[(2) (3)]~~ Exceptions

19 (A) A person who is listed or enumerated in Government Code section 87200 is  
20 not subject to this section.

21 (B) A person who is a member of a board or commission that does not possess  
22 decisionmaking authority, as defined in 2 Cal. Code Regs. section 18701(a)(1) is not  
23 subject to this section.

24 (b) When to file:

25 (1) Assuming Office Statements of Economic Interests:

1       **[If Decision 2a: If Language In Decision 2 Is Not Retained, Consider Adding:**

2       (A) Every member serving in office prior to and after January 1, 2003, of a governing  
3       board or commission of a newly created agency that has come into existence or has been  
4       determined to be an agency before January 1, 2003, shall file an assuming office  
5       statement within 30 days from the effective date of this regulation.]

6       **[Decision 2a Conforming Change: (B) Except as provided in subdivision**  
7       (b)(1)(A) above,] [If Decision 2a Rejected: (A)] every member of a governing board  
8       or commission of a newly created agency shall file an assuming office statement not  
9       more than 30 days after assuming office or, if his or her nomination or appointment is  
10      subject to State Senate confirmation, not more than 10 days after being nominated or  
11      appointed to office.

12      (2) Annual Statements of Economic Interests

13      (A) Every member of a governing board or commission of a newly created  
14      agency shall, no later than April 1 of each year, file an annual statement.

15      (B) Every person who assumes office as a member of a governing board or  
16      commission of a newly created agency between October 1 and December 31 and files an  
17      assuming office statement pursuant to this section need not file his or her first annual  
18      statement until one year later than the date applicable under subdivision (b)(2)(A), above.

19      (3) Leaving Office:

20      (A) Every person who leaves his or her position as a member of a governing  
21      board or commission of a newly created agency shall, within 30 days after leaving office,  
22      file a leaving office statement.

1        (B) If a person leaves his or her position as a member of a governing board or  
2        commission of a newly created agency between January 1 and the filing deadline for his  
3        or her annual statement of economic interests, the person's leaving office statement may  
4        serve as his or her annual statement if, prior to the filing deadline for the annual  
5        statement, the person notifies the filing officer in writing that he or she intends to follow  
6        this procedure.

7        (4) Members Beginning and Completing a Term of Office: A member of a  
8        governing board or commission of a newly created agency who completes a term of  
9        office under this section and, within 30 days thereafter, begins a term of the same office  
10       or another such office of the same jurisdiction, is not deemed to assume office or leave  
11       office for purposes of filing statements under this section.

12       **[Decision 3, option a: (c) Where to file: Members of governing boards or**  
13       **commissions of newly created agencies shall file the statements required under this**  
14       **section at the location described, respectively, under either subdivisions (e), (f), (g), (j),**  
15       **(k), or (n) of Govt. Code section 87500, as applicable. The procedures described in the**  
16       **applicable subdivision of Govt. Code section 87500 shall be followed with respect to**  
17       **such filing.]**

18       **[Decision 3, option b, filing as section 87300 filers: (c) Where to file: Pursuant**  
19       **to subdivision (o) of Govt. Code section 87500 and 2 Cal. Code Regs. section 18730,**  
20       **subdivision (b)(4), members of governing boards or commissions of newly created**  
21       **agencies shall file the statements required under this section with their newly created**  
22       **agency or with the agency's code reviewing body, as provided by that code reviewing**  
23       **body.]**

1           (d) Effect Upon Initial Statements Required Under Government Code section  
2    87302(b): An assuming office statement or annual statement filed under this section by a  
3    member of a governing board or commission of a newly created agency is deemed to  
4    satisfy the requirement at Government Code section 87302(b) that an initial statement be  
5    filed by that member within 30 days after the effective date of the new conflict of interest  
6    code applicable to that member.

7    NOTE: Authority cited: Section 83112, Government Code.  
8    Reference: Section 87302.6, Government Code.